

1 JASON S. KIM SBN: 162355
2 jkim@winlaw.com
3 NAKI M. IRVIN SBN: 94120
4 nakim@winlaw.com
5 CAROLYNN BECK SBN: 264703
6 cbeck@winlaw.com
7 MARGOLIS & TISMAN LLP
8 444 South Flower Street, Suite 2300
9 Los Angeles, California 90071
10 Telephone: (213) 683-0300
11 Facsimile: (213) 683-0303

12 Attorneys for Plaintiffs
13 JON PAUL JAVELLANA and
14 KENNETH RO

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 JON PAUL JAVELLANA, an
18 individual; and KENNETH RO, an
19 individual,

20 Plaintiffs,

21 v.

22 DEUTSCHE BANK SECURITIES INC.,
23 a Delaware corporation; BARCLAYS
24 CAPITAL INC., a Connecticut
25 corporation; and DOES 1-50, inclusive,

26 Defendants.

CASE NO. LACV 11-7437
PSG(SSX)

STIPULATION TO STAY CASE
PENDING ARBITRATION

[Proposed] Order Staying Case Pending
Arbitration lodged herewith

1 WHEREAS on June 13, 2011, Defendant Deutsche Bank Securities, Inc.
 2 (“DBSI”) commenced an arbitration proceeding against Plaintiffs under the
 3 arbitration rules of the Financial Industry Regulatory Authority (“FINRA”),
 4 captioned *In the Matter of the Arbitration Between Deutsche Bank Securities Inc.*
 5 *(CRD #2525) vs. Jon Paul Javellana (CRD #2538653) and Kenneth Ro (CRD*
 6 *#3131021)*, FINRA Case No. 11-02442-CA;

7 WHEREAS on August 9, 2011, Plaintiffs commenced the instant action against
 8 DBSI and Defendant Barclays Capital (“Barclays”) by filing a complaint in
 9 California state court, which complaint was amended on August 23, 2011 (the “First
 10 Amended Complaint”);

11 WHEREAS on September 9, 2011, Defendants jointly removed Plaintiffs’
 12 action to this Court;

13 WHEREAS Plaintiffs’ First Amended Complaint pleads 11 causes of action:
 14 (1) breach of contract against DBSI; (2) unpaid wages against DBSI; (3) failure to
 15 provide accurate wage statements against DBSI; (4) failure to pay wages at
 16 termination against DBSI; (5) violation of Bus. & Prof. Code § 16600 against DBSI
 17 and Barclays; (6) intentional interference with contract against DBSI; (7) intentional
 18 interference with prospective economic advantage against DBSI; (8) intentional
 19 interference with contract against Barclays; (9) defamation against DBSI; (10) unfair
 20 competition against DBSI; and (11) unfair competition against Barclays;

21 WHEREAS Defendants contend that Plaintiffs entered into valid and
 22 enforceable agreements to arbitrate against DBSI and Barclays under FINRA’s
 23 arbitration rule;

24 WHEREAS the parties have agreed that Plaintiffs’ claims in the First Amended
 25 Complaint shall be arbitrated before FINRA;

26 IT IS HEREBY AGREED AND STIPULATED that:

27 1. Plaintiffs’ claims shall be arbitrated before FINRA; and

2. This action shall be stayed pending the completion of arbitration of Plaintiffs' claims before FINRA; and

3. All pending deadlines shall be held in abeyance until addressed by a further order of this Court.

October 7, 2011

MARGOLIS & TISMAN LLP

By: /s/ Naki Irvin
Attorneys for Plaintiffs
Jon Paul Javellana and Kenneth Ro

October 7, 2011

LAW OFFICES OF K.C. MAXWELL

By: /s/ K.C. Maxwell
Attorneys for Defendant
Deutsche Bank Securities, Inc.

October 7, 2011

PAUL HASTINGS LLP

By: /s/ Raymond Bertrand
Attorneys for Defendant
Barclays Capital Inc.

LEGAL_US_W # 69320504.4

PROOF OF SERVICE

I am employed in the City and County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is Paul Hastings LLP, 4747 Executive Drive, 12th Floor, San Diego, CA 92121.

On October 7, 2011, I served the foregoing document(s) described as:

SEE ATTACHED LIST

on the party(ies) in this action by placing a true copy thereof in a sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

☒

(BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel denoted on the attached Service List, and I hereby certify that I have mailed the foregoing document(s) via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.

☒

(BY MAIL) I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at Paul Hastings LLP, San Diego, California, following ordinary business practices. I am familiar with the practice of Paul Hastings LLP for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

☐

(BY PERSONAL DELIVERY) I then sealed the envelope and caused it to be hand delivered to the offices of the addressee(s) below.

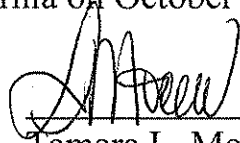
☐

(BY OVERNITE EXPRESS) I am readily familiar with the practice of Paul Hastings LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by United Parcel Service for overnight delivery.

☒

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court, at whose direction this service was made.

1 Executed at San Diego, California on October 7, 2011.

2
3 

4 Tamara L. Morrow

SERVICE LIST

JASON S. KIM *

Email: jkim@winlaw.com

NAKI M. IRWIN

Email: nakim@winlaw.com

CAROLYNN BECK

Email: cbeck@winlaw.com

MARGOLIS & TISMAN LLP

444 South Flower Street, Suite 2300

Los Angeles, California 90071

Telephone: (213) 683-0300

Facsimile: (213) 683-0303

Attorneys for Plaintiffs

JON PAUL JAVELLANA and

KENNETH RO

K.C. Maxwell **

LAW OFFICES OF K.C. MAXWELL

115 Sansome Street, Suite 1204

San Francisco, CA 94104

Telephone: (415) 322-8817

Facsimile: (415) 888-2372

Attorneys for Defendant

Deutsche Bank Securities, Inc.

Email: kcm@kcmaxlaw.com

* Denotes service via CM/ECF System

** Denotes service via U.S. Mail

LIST OF DOCUMENTS SERVED

1. STIPULATION TO STAY CASE PENDING ARBITRATION; and
2. [PROPOSED] ORDER REGARDING STIPULATION TO STAY CASE PENDING ARBITRATION.